United States Court of Appeals

for the Second Circuit

APPELLANT'S SUPPLEMENTAL BRIEF

77-1256

To be argued by
DAVID J. GOTTLIEB

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

B P/S

UNITED STATES OF AMERICA,

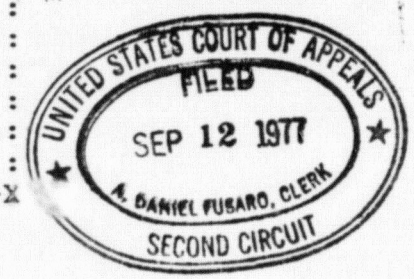
Plaintiff-Appellee,

-against-

RAMON AMPARO,

Defendant-Appellant.

Docket No. 77-1256



SUPPLEMENTAL BRIEF FOR APPELLANT
RAMON AMPARO

ON APPEAL FROM A JUDGMENT
OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARTIN ERDMANN, ESQ.,
THE LEGAL AID SOCIETY
Attorney for Appellant
RAMON AMPARO
FEDERAL DEFENDER SERVICES UNIT
509 United States Courthouse
Foley Square
New York, New York 10007
(212) 732-2971

DAVID J. GOTTLIEB,

Of Counsel.

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UNITED STATES OF AMERICA, Plaintiff-Appellee, -against- RAMON AMPARO, Defendant-Appellant.	Docket No. 77-1256

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In Point I of appellant's main brief it is argued that this Court should examine the exhibits submitted and examined in camera in the court below to determine whether they should have been disclosed as §3500 material, or in the alternative, to permit counsel for appellant be allowed to examine the materials. Along with appellant's main brief, appellant therefore submitted a

motion requesting permission to examine the materials and, if necessary, file a supplemental sealed brief. On August 4, 1977, appellant's motion was granted.

Upon examination of the material submitted to the court below in camera appellant is constrained to conclude, as the Government argues, that the court below was within its discretion in its decision that the materials withheld did not constitute §3500 material and that, in any event, on the facts of this case, any error by the court would undoubtedly be held harmless. In light of this decision we have concluded that no further submission by sealed brief would be of assistance to the court and we accordingly withdraw our request, contained in Point I of appellant's main brief, that this Court examine the materials.

Conclusion

For the above-stated reasons, we respectfully withdraw our request, contained in Point I of appellant's main brief that this Court examine the materials submitted in camera in the court below.

MARTIN ERDMANN, ESQ.,
THE LEGAL AID SOCIETY
Attorney for Appellant
RAMON AMPARO
FEDERAL DEFENDER SERVICES UNIT
509 United States Courthouse
Foley Square
New York, New York 10007
(212) 732-2971

DAVID J. GOTTLIEB,
Of Counsel.

CERTIFICATE OF SERVICE

September 12, 1977

I certify that a copy of this supplemental brief has been mailed to the United States Attorney for the Southern District of New York.

David J. Gottlieb